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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

CARMEN POWELL Plaintiff, v. CITY OF CHULA VISTA; CHULA VISTA POLICE DEPARTMENT; DET. RUTH HINZMAN; AGT. ANDERSON; AGT. OYOS; SGT. CERVANTES; AND PERSON ENTITIES UNKNOWN; COUNTY OF SAN DIEGO AND SAN DIEGO COUNTY PROTECTIVE SERVICES WORKERS; JULIE SMITH; NADIA NAJORS; MEGAN PETFINGER; REBECCA SLADE AND PERSONS AND ENTITIES UNKNOWN; CHILDREN'S HOSPITAL; DIANA CHASE, NURSE; DEBRA DAVIES, LCSW, Defendants.	Case No. 07 CV 1836 JAH (JMA) Honorable John A. Houston Courtroom 11 **DEFENDANTS RADY CHILDREN'S HOSPITAL SAN DIEGO'S (ERRONEOUSLY SUED AS CHILDREN'S HOSPITAL), AND DIANA CHASE'S REPLY BRIEF** **Complaint Filed: September 19, 2007** Hearing Date: March 3, 2008 Hearing Time: 2:30 p.m.

Defendants RADY CHILDREN'S HOSPITAL SAN DIEGO (erroneously sued as CHILDREN'S HOSPITAL) (hereinafter "RCHSD"), and DIANA CHASE (hereinafter collectively "defendants") respectfully submit the court should grant defendants' Motion to Dismiss because plaintiff Carmen Powell failed to submit an Opposition to the Motion. Pursuant to the court's February 12, 2008, order, plaintiff had up until March 7, 2008, to submit her opposition papers. Because she failed to do so, and has failed to file a Notice of Non-opposition, defendants' Motion to Dismiss plaintiff's lawsuit should be granted.

Dated: March 21, 2008

LEWIS, BRISBOIS, BISGAARD & SMITH

by: /S/ Rita R. Kanno
Marilyn R. Moriarty
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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA
880 FRONT STREET, SAN DIEGO, CALIFORNIA 92101

PLAINTIFF(S)PETITIONER(S) CARMEN POWELL	**CASE NUMBER: 07 CV 1836 JAH (JMA)**
DEFENDANT(S)/RESPONDENT(S) CITY OF CHULA VISTA, et al.	
PROOF OF SERVICE	**HONORABLE JOHN A. HOUSTON COURTROOM 11**

I, the undersigned, declare that: I am over the age of 18 years and not a party to the case; I am employed in, or am a resident of the County of San Diego, California, where the mailing occurs; and my business address is 550 West "C" Street, Suite 800, San Diego, California. On this date, March 21, 2008, I served documents via the United States District Court for the Southern District of California's Electronic Case Filing system described as follows:

1. **DEFENDANTS', RADY CHILDREN'S HOSPITAL SAN DIEGO'S (ERRONEOUSLY SUED HEREIN AS CHILDREN'S HOSPITAL), AND DIANA CHASE, N.P. REPLY BRIEF**

on designated recipients (as currently maintained as of the date and time of this filing on the United States District Court for the Southern District of California's Electronic Case Filing system) through electronic transmission through the United States District Court for the Southern District of California's Electronic Case Filing system. Upon completion of said transmission of said documents, a certified receipt is issued to filing party acknowledging receipt by the United States District Court for the Southern District of California's Electronic Case Filing system. Once the United States District Court for the Southern District of California's Electronic Case

[X] BY US MAIL

CARMEN POWELL

327 BAY LEAVE DRIVE

CHULA VISTA, CA 91910

[X] **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the State of California that the above is true and correct and this document was printed on recycled paper.

Dated: March 21, 2008 /s/

GAIL DEASY